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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,078	02/11/2002	Narayan L. Gehlot	Gehlot 35-32	6698
30541 7590 06/14/2007 LAW OFFICE OF JOHN LIGON 213 E. HIGHLAND AVENUE P.O. BOX 281 ATLANTIC HIGHLANDS, NJ 07716			EXAMINER RATHINASAMY, PALANI P	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/074,078

Applicant(s)

GEHLOT ET AL.

Examiner

Palani P. Rathinasamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 38-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-13, 38-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/10/2007.
2. Applicant's election with traverse of Invention II, Claims 14-37 in the reply filed on 5/10/2007 is acknowledged. The traversal is on the ground(s) that "claims 1-13 grouping are a subset of the user-profile claims . . . and do not constitute a separate invention". This is not found to be persuasive because the unelected invention, claims 1-13, does not overlap in scope and is separately usable. In particular, unelected invention, claims 1-13, relates to a method for selecting advertisements based on the physical *location* of the device, in particular a *signal* that is associated with the device itself. Elected Invention II, Claims 14-37, has separate utility because it is a method for selecting advertisements based on a profile created on information about the user, not the device itself.

The requirement is still deemed proper and is therefore made **FINAL**.

Status of Claims

3. Claims 1-13 and 38-41 are withdrawn based on election restriction filed on 5/10/2007. Claims 14-37 remain pending in this application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 14-15, 17, 18, 20-23, 25-26, and 28-37, are rejected under 35 U.S.C. 102(a) as being anticipated by Gupta et al. (US 2001/0020242 A1). Gupta et al. teaches of a method for targeted advertising to a web user over the Internet. (Abstract).**

6. Regarding claims 14, 17, 22, 25, 30, 32, 34, and 36, Gupta et al. teaches a method of:

- receiving and collecting user information when the user requests a webpage ([0033]; [0054]-[0055]). The user information consists of “demographic information such as the user’s age, credit history, earnings, interests, purchases, the sites (URLs) the user has accessed, . . .” ([0055]). Regarding claim 30 and 32, Gupta et al. teaches of collecting and storing information regarding the URL that the user requests. ([0057]).
- generating a profile in real-time based on that information collected ([0033]; [0057]-[0058])
- selecting an advertisement based on the user profile ([0034]; [0059], [0062])
- and sending the advertisement to the user ([0034]; [0063]-[0066])

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7. Regarding claims 15 and 23, a URL is the address of a web page on the Internet that a user enters into a browser. Gupta et al. teaches "all URL requests, text, and other information is transmitted from" the users computer to the server and this information is collected and maintained by the server in order to create a user profile.

([0057]). Therefore it is inherent in Gupta et al. that when a user enters a URL, it is done in a browser and that browser transmits that URL information, inter alia, to the server. The information transmitted by the browser to the server is then collected and maintained by the server in order to create a user profile.

8. Regarding claims 18 and 26, Gupta et al. teaches that ISP's may obtain the user information from other ISP's prior to creating a profile and advertisement insertion.

([0060]).

9. Regarding claims 20 and 28, Gupta et al. teaches that the profile for each user is maintained during each online use and that the profile is based on past user history (such as past URL history) and current user information (such as current URL requested). ([0055], [0057]-[0059]).

10. Regarding claims 21, 29, 31, 33, 35, and 37, Gupta et al. teaches that "specific advertisements that target a user based on his preferences and profile may be inserted into a web page that is returned to the user." ([0062]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 2001/0020242 A1).

13. Regarding claim 16 and 24, Gupta et al. teaches of creating a profile based on "the sites (URLs) that the user has accessed". ([0055]). Gupta et al. teaches that this information is stored on the server each time a user accesses the Internet. ([0054]-[0055]). As stated previously, it is inherent that this URL data comes from the browser of the user.

Gupta et al. does not explicitly teach that the history of the sites visited by the user comes from the browser. However, Gupta et al. teaches that it is old and well known to store cookies on the "individual's browser" to determine the types of web sites that have been accessed. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to retrieve the users URL history from cookies stored on the individuals' browser to Gupta et al.'s teaching of using the URL history to create a user profile. One would have been motivated to do so in order to create a profile "based on the information retrieved from the cookies." ([0029]). Additionally, storing data, such as on cookies, on the local computer, as opposed to the central server, is an old and well known method for storing relevant information.

14. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 2001/0020242 A1) in view of LeMole et al. (US 6,009,410).

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LeMole et al. teaches of a method for providing targeted advertisements based on a user profile that is based on a users' information.

15. Regarding claim 19 and 27, Gupta et al. teaches of creating a profile based on information provided by the user. ([0053]). Gupta et al. further gives example of the information that the user may provide such as user's name, address, credit card number, etc. ([0053]).

Gupta et al. does not explicitly teach of obtaining information from a response given by a user to a question posed. However, LeMole et al. teaches of generating a profile based on the users responses to various questions. (LeMole et al.; Abstract; Fig. 2; Col 4, Lines 42-47). LeMole et al., like Gupta et al., further teaches that this profile is used to create targeted advertisements to the user. (LeMole et al.; Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add LeMole et al.'s teaching of collecting information from responses to questions to Gupta et al.'s teachings of collecting information that the user provides. One would have been motivated to do so in order to have information "specifically geared to that user's individual interests". (LeMole et al.; Col 2, Lines 1-5).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gerace (US 5,848,396) – teaches of collecting user information, creating a profile, and targeting advertisements based on that profile

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- Merriman et al. (US 5,948,061) – teaches of targeted delivery of advertisements based on user information
- Cohn et al. (US 6,308,202 B1) – teaches of targeted advertisements to a user based on the website the user has requested to view

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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PRIMARY EXAMINER